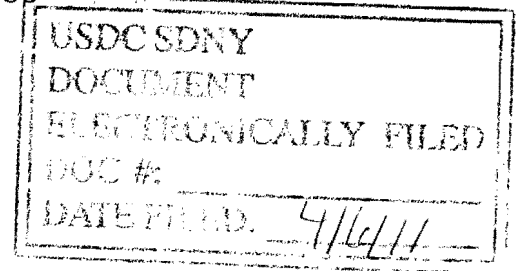


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: METHYL TERTIARY BUTYL :
ETHER ("MTBE") PRODUCTS : CASE MANAGEMENT
LIABILITY LITIGATION : ORDER #89
----- :
:
This document relates to: : Master File No. 1:00-1898
:
All Cases : MDL 1358 (SAS)
:
----- : M21-88
:
SHIRA A. SCHEINDLIN, U.S.D.J.: X



This Order memorializes the rulings made during the status conference held on March 30, 2011.

1. *New Jersey Department of Environmental Protection:*
 - A. *Case Management Order.* The parties shall submit a proposed case management order that includes the following specifications: (1) interrogatories are presumptively limited to no more than forty per side per trial site for site-specific information, and fifty per side for non-site-specific information, and shall not contain sub-parts; (2) depositions must be noticed at least twenty-one days in advance of the proposed date; (3) defendants shall be limited to no more than ten

depositions of NJDEP personnel per month, and plaintiffs shall be limited to no more than ten depositions of a particular defendant's personnel per month; (4) by June 1, 2011, plaintiffs will designate a final geographic boundary for each of the twenty trial sites; (5) a deadline for each side to designate non-site-specific experts; and (6) fact discovery will close on March 30, 2012.

- B. *Water Treatment System Third Party Discovery.* The parties will jointly contact the water treatment systems in an effort to obtain, through voluntary cooperation, further information regarding contaminated wells. If necessary a Rule 45 subpoena will be issued to obtain the information.
- C. The ongoing dispute regarding ESI search protocols is referred to Special Master Warner for resolution.

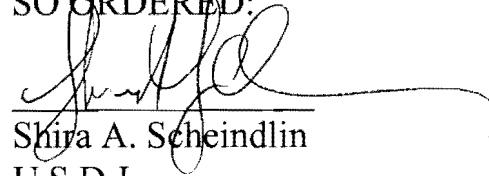
2. *Puerto Rico:*

- A. *Well Locations.* Plaintiffs shall direct the Puerto Rico Aqueduct and Sewer Authority to provide specific geographic identification for all of the 771 wells at issue on a rolling basis as they become available, with all such information to be provided by July 1, 2011.
- B. *Discovery Site Selection.* Both parties will have until September 1,

2011 to petition the Court for permission to substitute a new discovery site in place of a previously selected discovery site.

Permission will only be granted if the reason for the substitution is based on information about the wells that was unavailable at the time of selection. The site selection schedule is otherwise unaltered.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Shira A. Scheindlin', is written over a horizontal line.

Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
April 5, 2011

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